

Notice of Oral *Ex Parte* Presentation

January 23, 2003

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338;
Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98;
Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98-147;

Dear Ms. Dortch:

On Wednesday, January 22, 2003, Peter Pitsch of Intel, Tim Regan of Corning, Grant Seiffert of the Telecommunications Industry Association, and the undersigned for Catena Networks, on behalf of the High Tech Broadband Coalition, had lunch with Matthew Brill, Legal Advisor to Commissioner Kathleen Abernathy, and discussed the above referenced proceedings. We stressed the importance of fundamentally reforming the unbundling rules to create strong incentives to deploy new last mile broadband facilities, and that the competitors should continue to get access to existing unbundled facilities but not new packet based facilities. Thus, existing non packet loop capabilities over copper and hybrid fiber/copper loop facilities would continue to be available to CLECs, including high capacity UNEs, e.g., DS-1s, subject to Commission determinations with respect to "impairment". This approach would assure that the competitors continue to get what they get today, but at the same time give all carriers the incentive to invest in new last mile fiber and related broadband facilities where the incumbent local exchange carriers have no unfair advantage and face actual and potential competition from cable modem service providers.

Pursuant to Section 1.1206 of the Commission's Rules, 47 C.F.R. § 1.1206, a copy of this submission is being provided to Matthew Brill. Please contact the undersigned with any questions in connection with this filing.

Respectfully submitted,

/s/ Doug Cooper

Doug Cooper
Catena Networks
Director Regulatory and Market
Development

cc:
Matthew Brill